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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jason Crews,

10 Plaintiff,

11 v.

12 Benavest Corporation, et al.,

13 Defendants.
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No. CV-24-02227-PHX-JZB

ORDER

15 Pending before the Court is “Plaintiff’s Motion for Leave to File Plaintiff’s First
16 Amended Complaint” (“Motion to Amend”). (Doc. 18.) Plaintiff moves to amend “in
17 response to new allegations arising from recently discovered evidence.” (*Id.* at 1.)¹
18 Plaintiff argues there has been no undue delay in filing the proposed amendment; that he
19 has acted in good faith; that the amendment will not be futile; and that it will not
20 prejudice the Defendants. (*Id.* at 2-3.)

21 Pursuant to Rule 15(a)(1), Federal Rules of Civil Procedure, “A party may amend
22 its pleading once as a matter of course no later than: (A) 21 days after serving it, or (B) if
23 the pleading is one to which a responsive pleading is required, 21 days after service of a
24 responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f),
25 whichever is earlier.”

26 The Court notes Plaintiff has not previously amended the complaint, and that a
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28 ¹ In the motion, Plaintiff requests leave to file a “Second Amended Complaint,” (*id.*), but the Court notes Plaintiff has not previously amended the Complaint. Accordingly, the Court refers to the proposed amendment as Plaintiff’s First Amended Complaint.

1 complaint requires a responsive pleading. The Court also notes that no proof of service
2 has been filed as to any Defendant. Accordingly, Plaintiff may amend the Complaint as a
3 matter of course pursuant to Rule 15(a)(1), and the Court will deny Plaintiff's request for
4 leave to amend as moot. Plaintiff must separately file a clean copy of the First Amended
5 Complaint (doc. 18-1) and serve Defendants in accordance with Rule 4, Federal Rules of
6 Civil Procedure.

7 Accordingly,

8 **IT IS ORDERED** Plaintiff's Motion to Amend (doc. 18) is **DENIED** as moot.

9 **IT IS FURTHER ORDERED** that on or before **October 25, 2024**, Plaintiff must
10 file a clean copy of his First Amended Complaint. (Doc. 18-1.)

11 **IT IS FURTHER ORDERED** that Plaintiff serve all Defendants with the First
12 Amended Complaint consistent with Rule 4, Federal Rules of Civil Procedure.

13 Dated this 16th day of October, 2024.

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17 Honorable John Z. Boyle
18 United States Magistrate Judge
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